

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:20-cv-00954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL
MANAGEMENT SERVICES, INC.,

Defendants.

**REPLY WITHDRAWING MOTION
FOR EXTENSION OF TIME TO
SERVE RESPONSES TO
PLAINTIFF'S FIRST SET OF
REQUESTS FOR PRODUCTION AS
MOOT**

On December 20, 2022, Defendants Nicholas Del Rosso and Vital Management Services, Inc. ("Defendants") filed the present Motion for Extension of Time ("Motion"), seeking a reasonable 20-day extension of time to serve responses to Plaintiff Farhad Azima's ("Plaintiff") First Set of Requests for Production ("Requests"). (D.E. 100). Nevertheless, Defendants timely served their written responses and objections to Plaintiff's Requests on December 22, 2022, noting several issues including but not limited to:

- Plaintiff's extensive attempts to probe Defendants' lawful business with a third-party law firm (Dechert LLP) in the course of its representation of clients, including but not limited to the Ras al Khaimah Investment Authority;
- topics and persons with no relation to Plaintiff's claims;
- topics and information that are the subject of a new lawsuit filed by Plaintiff in the U.S. District Court for the Southern District of New York – *Azima, et al. v. Dechert, et al.*, Case No. 1:22-CV-08728-PGG (the "SDNY Matter") – in which discovery has been stayed pending resolution of the defendants' motions to dismiss (*see* SDNY Matter, at D.E. 104); and
- Plaintiff's failure to serve requests that are proportional to the needs of his remaining claims that were significantly narrowed by the Court (*see, e.g.*, D.E. 80 p.4).

Moreover, Defendants have begun producing non-confidential responsive documents while their Motion for Entry of a Confidentiality Protective Order is pending, *see* D.E. 101, and continue to work in good faith to address complicated questions of privilege, scope, and proportionality regarding the same.

Accordingly, while Defendants disagree with the characterizations set forth by Plaintiff in his response to this routine Motion, the relief requested in the Motion is now moot. Therefore, Defendants respectfully withdraw the Motion.

Respectfully submitted, this the 24th day of January, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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WORD COUNT CERTIFICATION

Pursuant to Local Rule 7.3(d)(1), I hereby certify, subject to Fed. R. Civ. P. 11, that the accompanying brief contains 276 words, according to the word count feature of the word processing system used to prepare the brief. Accordingly, the brief does not exceed the 3,125-word limitation.

Respectfully submitted this 24th day of January, 2023.

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